



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed December 11, 2015, under Wis. Stat. § 49.85(4), and Wis. Admin. Code §§ HA 3.03(1), (3), to review a decision by the Public Assistance Collection Unit (PACU) in regard to FoodShare benefits (FS), a hearing was held on January 7, 2016, by telephone.

The issue for determination is whether [REDACTED] is liable for an FS overpayment.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED], Card Trafficking Agent
Public Assistance Collection Unit
P.O. Box 8938
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Minnesota.
2. The petitioner's spouse received Fs in Wisconsin
3. On April 18, 2015, the Department mailed a *FoodShare Overpayment Notice* to the petitioner and his wife, advising that they had been overpaid FS for the May 11, 2011 through July 31, 2012, period. The petitioner did not timely appeal from that *Notice*. On September 11, 2015, the

Department mailed a Wisconsin tax interception notice to the petitioner, advising that the Department intended to collect FS overpayments from the petitioner via income tax refund interception. The petitioner filed the instant appeal to challenge that action.

4. On December 21, 2015, the Department mailed a letter to the petitioner's correct address advising that it had deleted [REDACTED]'s name as a liable person on the two FS overpayment claims listed on the tax interception notice (presumably because he was not in the Wisconsin household during the overpayment periods). The claims remain in place for his wife. *See*, Exhibit A, letter of 12/21/2015.

DISCUSSION

The Department has declared that the petitioner has no liability for the FS overpayment claims for the May 11, 2011 through July 31, 2012 period. Therefore, there will be no interception of his income tax refunds (if he files separately from his wife) to collect the claims. Thus, there is no issue remaining on *his* tax interception appeal.

His wife also filed an appeal, which has been assigned a separate case number. A decision on her liability will be issued separately.

CONCLUSIONS OF LAW

The Department has declared that the petitioner has no liability for the FS overpayment claims for the May 11, 2011 through July 31, 2012 period. Therefore, there will be no interception of his income tax refunds to collect the claims. Thus, there is no issue remaining on *his* tax interception appeal.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING


You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be *received within 20 days after the date of this decision*. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 *and* to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the Wisconsin county where your household lived. Appeals must be filed with the Court *and* served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, *and* on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).


The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 11th day of January, 2016

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 11, 2016.

Public Assistance Collection Unit
Public Assistance Collection Unit